

REMARKS

The Applicant appreciates the Examiner's indication that claims 10, 23, and 24 would be allowable if written to overcome the rejection under 35 U.S.C. § 112, second paragraph (based on intervening claim 2), and to include all of the limitations of the base claim and any intervening claims.

Accordingly, the Applicant has amended claims 10 and 23 to be independent claims including all of the limitations of claim 1 and all intervening claims. Claim 24 remains dependent from claim 23. Applicant also has corrected the cited informality in intervening claim 2, thereby rendering moot the § 112, second paragraph rejection. Amended claims 10 and 23 recite the physical arrangement of the selector and controller, tying them to other claimed components. Both claims recite, "a selector arranged in the second circulating circuit and connected with the first heat exchanger, the first heat storing device, and the second heat exchanger; a controller connected with the selector executing a switching operation of the selector on the basis of an air conditioning demand." Support for the claimed selector, for example, three-way valve 27, is disclosed in Fig. 1 and page 11, lines 8-13, of the present application. Support for the claimed controller is disclosed in Fig. 5 and page 12, lines 8-11, of the present application, which describes an electronic control unit 33 and is the only controller disclosed. The controller selectively switches the selector to communicate or shut off a route between the second heat exchanger and the first heat storing device or the first heat exchanger to meet the air conditioning demand of the system. These amendments do not introduce a new issue that would require further search or consideration because they were earlier claimed or inherent in original claim 2. Applicant respectfully submits

that claims 10, 23, and 24 are in a condition of allowance for at least the reasons stated above.

Additionally, Applicant has cancelled now-superfluous dependent claims, and has amended the remaining dependent claims to depend from the respective allowable independent claims. All of the pending claims, therefore, are in condition for allowance.

The Examiner requested any subsequent actions by the European, Japanese, and Korean Patent Offices in foreign counterpart applications. Each of these offices has allowed respective counterpart applications. Copies of the respective patent office communications related to these allowances are attached.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 3, 4, 9-13, and 15-24 in condition for allowance. Applicant submits that the proposed amendments of claims 10, 23, and 24 do not raise new issues or necessitate the undertaking of any additional search because all of the elements and their relationships either were earlier claimed or were inherent in the claims as examined. This Amendment, therefore, allows for immediate action by the Examiner.

Finally, entry of the amendment places the application in condition for allowance, or in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that the amended claims are neither anticipated nor rendered obvious in view of the prior art references cited against this application, especially in light of the Examiner's indication that claims 10, 23, and 24

recite allowable subject matter. Applicant requests entry of this Amendment, reconsideration of the application, and allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: July 1, 2009

By:



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Attachments:

- 1. Decision to Grant a European Patent Pursuant to 97(1) EPC (April 17, 2008);**
- 2. Decision to Grant Japanese Patent Application (April 17, 2007); and**
- 3. Translation of Decision to Grant Korean Patent Application (July 28, 2006).**



J P O

Reference No.: 2745000 Mailing No.: 183576 Mailing Date: April 17, 2007 1/E

Decision to Grant

Application No.: 2002-207469
Issue Date: April 13, 2007
Examiner: NAGASAKI, Yoichi 8610 3M00
Title of the Invention: Air Conditioning System
Number of Claims: 7
Applicant: Toyota Jidosha Kabushiki Kaisha (and one more applicant)
Attorney: WATANABE, TAKEO

This application is granted since there is no reason to reject.

I authenticate that the mentioned above is exactly the same as what is recorded in the file.
The date of Authentication April 16, 2007
Officer of Ministry of Economy, Trade and Industry,
HIRASE, Emiko

Notice: The Patent Fee should be paid within 30 days form the day when this document is received.



Korea

Translation of Decision to Grant Korean Patent application No. 2005-7000793

Decision to Grant

Applicant: TOYOTA JIDOSHA KABUSHIKI KAISHA

Attorney: KOREANA PATENT FIRM

Application No.: 2005-7000793

Title of the Invention: Air Conditioning System

Number of Claims: 23

This application is granted under Article 66 of Korean Patent Act.

July 28, 2006



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Reference 58TY1402	Application No./Patent No 03736325.6 - 2425 / 1533154
Applicant/Proprietor Toyota Jidosha Kabushiki Kaisha, et al	
Date 17.04.08	

Decision to grant a European patent pursuant to Article 97(1) EPC

Following examination of European patent application No. 03736325.6 a European patent with the title and the supporting documents indicated in the communication pursuant to Rule 71(3) EPC dated 10.08.07 is hereby granted in respect of the designated Contracting States.

Patent No. : 1533154
 Date of filing : 01.07.03
 Priority claimed : 16.07.02/JPA 2002207469

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This decision will take effect on the date on which the European Patent Bulletin mentions the grant (Art. 97(3) EPC).

The mention of the grant will be published in European Patent Bulletin 08/20 of 14.05.08.

Examining Division

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